

Objective:

To provide Council with an overview of concerns and recommended conditions, to be submitted to Indigenous Services Canada, relating to an Addition to Reserve proposal from Mississaugas of the Credit First Nation.

Recommendations:

1. THAT Report CDS-08-2025 Addition to Reserve – Mississaugas of the Credit First Nation be received;
2. AND THAT for reasons outlined in Report CDS-08-2025, Haldimand submits the following concerns relating to the proposed addition to Reserve for lands identified as PIN 38183-0509 PT LT 26-27 RANGE EAST OF PLANK RD ONEIDA PT 1 & 2, 18R6090; HALDIMAND COUNTY; PIN 38183-0394 PT LT 2-27 RANGE EAST OF PLANK RD ONEIDA AS IN HC228473 & HC230218 BTN 18R6090 & HYDRO, T/W HC230218; S/T HC44176; HALDIMAND COUNTY; PIN 38183-0395 PT LT 26-27 RANGE ROAD EAST OF PLANK RD ONEIDA IN HC228473 & HC230218 W OF 18R6090; S/T HC44176; HALDIMAND COUNTY; PIN 38183-0336 PT LT 26 RANGE EAST OF PLANK RD ONEIDA AS IN HC228473 E OF HYDRO; S/T HC44176; HALDIMAND COUNTY, containing approximately 125 hectares (308 acres):
 - a) The lack of any firm indication of the future use of the property and its relationship to the planning framework and impact on the Hagersville community, rural area, and natural environment;
 - b) The ability of the Mississaugas of the Credit First Nation Council to enforce any land use restrictions that may be desired for the proper development and use of the subject lands if it is added to Reserve status;
 - c) The impact of the loss of existing and future assessment to Haldimand County resulting in the transfer of jurisdiction to Reserve status;
 - d) The impact of the loss of designated urban employment area and Haldimand County's ability to meet its employment forecasts;
 - e) The impact of future development of the subject lands on the local and Provincial transportation network and how such impacts will be addressed and mitigated;
3. AND THAT should Indigenous Services Canada decide to approve the requested Addition to Reserve of the Mississaugas of the Credit First Nation Council that it be conditional upon the following:
 - a) At the time the addition to Reserve is approved all outstanding property taxes, including any accumulated penalty or interest, are to be paid in full;

- b) Prior to the said approval, Haldimand County and the Mississaugas of the Credit First Nation Council will have successfully negotiated and executed an agreement that provides reasonable compensation for tax loss from existing and future development that will be caused by the addition of lands to the Reserve to allow the municipality to adjust to the loss of revenue over time;
 - c) Prior to the said approval, Haldimand County and the Mississaugas of the Credit First Nation Council will have negotiated and entered into an agreement outlining a planning framework for the future use of the subject lands mutually agreeable to both parties that addresses the following matters:
 - i. The nature, scale, form and layout of future development to be undertaken;
 - ii. The technical matters to be addressed including transportation, environmental, servicing, economic impact and land use compatibility issues to be considered;
 - iii. An approval process that involves Haldimand County in the review and commenting on the adequacy of any proposal and supporting studies;
 - iv. The requirement to obtain Ministry of Transportation access permits for any access or upgrade to existing access from Highway 6;
 - v. An agreement be entered into between Haldimand County and the Mississaugas of the Credit First Nation Council regarding maintenance of 1st Line, east of Highway 6, to ensure adequate road maintenance for the County-controlled roads and any existing privately owned properties enveloped by the lands to be added to the Reserve;
 - vi. The measures to be put in place to ensure that only the approved forms of development will occur;
4. AND THAT prior to the said approval, the Mississaugas of the Credit First Nation Council will have committed to in writing, implementing a land use control mechanism such as zoning and commit to enforcing the removal of any use not in compliance with permitted uses.

Prepared and Respectfully submitted: Mike Evers, MCIP, RPP, BES, General Manager, Community & Development Services

Approved: Cathy Case, Chief Administrative Officer

Executive Summary:

A request for comments has been received from Indigenous Services Canada (ISC) relating to the Federal Addition to Reserve application process. The application is from Mississaugas of the Credit First Nation and relates to a 125 hectares (308 acres) parcel that straddles the northerly portion of the Hagersville urban area. Staff have developed a series of comments that outline the concerns with the proposal, including loss of regulatory controls and guiding planning framework, lack of firm and clear development plan for the lands, loss of current and future tax assessment, and loss of current agriculture lands and future employment land supply. While Haldimand does not have a general or unilateral veto regarding Reserve creation proposals, it is critical that the concerns of Haldimand are expressed through this process. ISC is encouraging Haldimand to work collaboratively with the Mississaugas of the Credit First Nation (MCFN) to resolve issues of concern and mutual interest. Issuance of comments through this formal request is the first step in that process. Comments are to be submitted to Indigenous Services Canada by August 25, 2025.

Background:

This matter flows from a letter received from Indigenous Services Canada (ISC) dated May 26, 2025 (Attachment 1) and involves approximately 125 hectares (308 acres) of land comprising four parcels at the north end of the urban area of Hagersville that are proposed to be added to the Mississaugas of the Credit First Nation Reserve through the Federal Additions to Reserve (ATR) Process. The subject lands are shown on Attachment 2 and have frontage onto Highway 6 and 1st Line. The northerly 2/3's of the subject lands rest within the agricultural area, while the southerly 1/3 is within the urban boundary of Hagersville and consists of an employment lands designation.

The ATR process is intended to provide a consistent structured approach to consolidate land owned by a First Nation but which does not have Reserve Status, and amalgamate it with Reserve lands. In part because the ATR process shares the characteristics of a community boundary adjustment, the First Nation is required to consult with the relevant municipal government in order to ensure good relations but also to identify and address locally specific issues that may be associated with the proposal.

As expressed in the ISC letter (Attachment 1), local governments do not have a general or unilateral veto regarding Reserve creation proposals. ISC encourages Haldimand to work collaboratively with the Mississaugas of the Credit First Nation (MCFN) to resolve issues of concern and mutual interest. As part of the Reserve creation process, Haldimand and the MCFN may address issues or negotiate agreements such as, but not necessarily limited to, services, by-law harmonization, joint land use planning, fire protection, consultation and dispute resolution processes for matters of mutual concern, or potential net tax loss adjustments. Organizations such as the Federation of Canadian Municipalities and the National Aboriginal Land Managers Association are available to offer support to both parties during this process. While Canada is not a party to any agreements between Haldimand and the MCFN, where requested, Canada may provide facilitative or technical assistance in support of any discussion. Ultimately, if the concerns cannot be resolved the issue will be determined by the Federal Minister having jurisdiction for approval of addition to Reserve requests.

The purpose of this report is to respond to the letter from ISC (Attachment 1) by setting out staff's concerns regarding the potential effects of the process outcomes and a series of conditions to address those potential effects. The said conditions are recommended to be incorporated into any formal approval from the Federal government with regards to the addition to Reserve request. All comments are to be submitted to ISC by August 25, 2025.

Analysis:

The issues identified by staff fall into two categories:

- Planning matters: concerns about the future use of the subject lands, loss of future employment lands, loss of active agricultural lands, the impact on the rural area and the community of Hagersville, and the road network in the area;
- Economic matters: The economic impact to the County as a result of loss of assessment resulting from the transfer of the land.

Planning Matters:

Currently the subject lands, despite ownership (owned by Mississaugas of the Credit First Nation – 'MCFN' – under a numbered company), fall under the land use regulations of Haldimand County. The northerly portion of the subject lands is within the rural area and contains an Agriculture land use designation, while the southerly portion is within the Hagersville urban boundary and contains an Urban Business Park designation within the Official Plan (see Attachment 2). The entirety of the subject property currently contains an Agriculture zone within the Haldimand Zoning Bylaw (ZBL). The in-force

policies of the OP and regulations of the ZBL ensure that the properties will be developed in a planned manner as part of an overall development strategy for both urban and rural areas of Haldimand. The proposed transfer to Reserve status will remove the current land use controls. Furthermore, the removal of the portion of the property that is within the urban boundary would reduce Haldimand's designated employment lands supply by approximately 43 hectares (106 acres). This will have an impact on our ability to meet our employment forecasts and would put Hagersville in a land supply deficit of approximately 10 hectares. The implication of this will be the need to examine possible urban boundary expansion (to add employment lands) or changing other designations (e.g. Residential) to employment should there be a surplus of that land use type. This would need to be considered as part of the next Official Plan review (2027).

With respect to the land use controls concern noted above, it is staff's understanding and experience that due to the way in which land is held as part of a Reserve, the ability to plan and enforce land uses by the Band Council can be challenging. The subject lands are situated on a key transportation corridor (Hwy 6) through the western part of Haldimand County and the visual quality and functional layout of the built environment is important. The ability to establish and enforce land use controls should be a matter that is addressed before any land transfer is approved.

There is also some concern that the land may be proposed for uses that may have land use compatibility impacts on surrounding lands in this location (including the natural environment, agricultural character/operations, active LaFarge quarry, existing residential, etc.) or potential economic impacts (i.e. from commercial uses). Before any transfer of the land to a Reserve status is approved, Haldimand and the MCFN Council should negotiate and enter into an agreement outlining a planning framework for the future use of the subject lands that is mutually agreeable to both parties that addresses the following matters:

1. The nature, scale, form and layout of future development to be undertaken;
2. The technical matters to be addressed including transportation, environmental, servicing, economic impact, archaeological, and land use compatibility issues (air emissions, noise, vibration) to be considered;
3. An approval process that involves Haldimand County in the review and commenting on the adequacy of any proposal and supporting studies;
4. The requirement to obtain Ministry of Transportation access permits for any access or upgrade to existing access from Highway 6;
5. An agreement be entered into between Haldimand County and the MCFN Council regarding maintenance of 1st Line, east of Highway 6 to ensure adequate road maintenance for the Haldimand-controlled roads and any existing privately owned properties enveloped by the lands to be added to the Reserve; and
6. The measures to be put in place to ensure that only the approved forms of development will occur.

Economic Matters:

Staff has investigated the current property tax status which has a levy of approximately \$13,500 annually, of which approximately \$11,500 relates to the municipal share only (with the balance collected on behalf of the Province for Educational purposes). The current assessment and associated property taxes are based primarily on the farmland tax class with a relatively smaller residential portion associated with the existing principal residence.

It is staff's opinion that any transfer to Reserve should be conditional upon the following:

1. At the time the addition to Reserve is approved, all outstanding property taxes, including any accumulated penalty or interest, are to be paid in full ; and

2. Haldimand and the MCFN Council have successfully negotiated and executed an agreement that provides reasonable compensation for tax loss from existing and future development that will be caused by the addition of lands to the Reserve so as to allow the municipality to adjust to the loss of revenue over time.

In addition to the assessment loss issue of the subject lands, the financial implications of the jurisdictional change should be part of an agreement to be entered into between Haldimand County and the MCFN Council regarding maintenance of 1st Line, east of Highway 6 to ensure adequate road maintenance for the Haldimand-controlled road and the existing privately owned properties enveloped by the lands to be added to the Reserve.

Lastly, since the MCFN and Haldimand now share membership on the OPP Detachment Board for the two jurisdictions, any adjustments to boundaries will need to be taken into consideration by the Detachment Board for appropriate cost sharing arrangements.

Financial/Legal Implications:

As set out above in the subsection 'Economic Matters'.

Stakeholder Impacts:

Not applicable.

Report Impacts:

Agreement: No

By-law: No

Budget Amendment: No

Policy: No

References:

None.

Attachments:

1. ICS Letter.
2. Map of Subject Lands.